

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

SHANDELL RILEY,

Plaintiff,

Case No. 07-13262

v.

Hon. Marianne O. Battani
Magistrate Judge Paul J. Komives

BARBARA S. SAMPSON, ENID
LIVINGSTON and JOHN QUINLAN,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND GRANTING DEFENDANT'S MOTION
TO DISMISS AND/OR FOR SUMMARY JUDGMENT**

Plaintiff, Shandell Riley, filed a Complaint alleging Defendants wrongfully refused to release him on parole. The Court subsequently referred this action to Magistrate Judge Paul J. Komives for all pretrial proceedings pursuant to 28 U.S.C. § 636(b)(1)(B). Defendants moved for dismissal of the Complaint as moot, and the Magistrate Judge concluded that Defendants' position had merit.

Specifically, in a Report and Recommendation ("R&R") dated May 12, 2008, Magistrate Judge Komives recommended that Defendants' dispositive motion be granted. He reasoned that there was no meaningful relief that the Court could confer upon the Plaintiff inasmuch as Riley asked for declaratory and injunctive relief, but was paroled after filing his suit.

The Court has reviewed the pleadings and has conducted a *de novo* review of the R&R. The Court finds the R&R accurately articulates the law and presents a well-reasoned, persuasive analysis of the application of governing law to the facts of this case.

Moreover, the Magistrate Judge informed the parties that objections to the R&R must be filed within ten days of service and that a party's failure to file objections would waive any further right of appeal. See R&R at 14-15. Neither party filed an objection.

Because no objection has been filed in this case, the parties waived their right to review and appeal. Accordingly, the Court **ADOPTS** the Magistrate Judge's recommendation and **GRANTS** Defendants' motion. Plaintiff's Complaint is **DISMISSED** in its entirety.

IT IS SO ORDERED.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

DATE: May 30, 2008

CERTIFICATE OF SERVICE

Copies of this Order was e-filed and/or mailed to Plaintiff and counsel of record on this date.

s/Bernadette M. Thebolt
Deputy Clerk